

AMENDED IN SENATE MAY 28, 2009
AMENDED IN SENATE APRIL 29, 2009
AMENDED IN SENATE MARCH 31, 2009

SENATE BILL

No. 524

Introduced by Senator Correa

February 27, 2009

An act to add Section 42173 to the Public Resources Code, relating to solid waste.

LEGISLATIVE COUNSEL'S DIGEST

SB 524, as amended, Correa. Solid waste: auto shredder residue.

The California Integrated Waste Management Act of 1989 requires materials that require special handling, as defined, to be removed from major appliances and vehicles in which they are contained prior to crushing for transport or transferring to a baler or shredder for recycling. The act requires the California Integrated Waste Management Board (board), in consultation with specified entities, including the Department of Toxic Substances Control, to evaluate the use of recycling residue, which is defined as nonhazardous residue or residue treated to be nonhazardous that is a direct result of a metals recovery operation for the express purposes of recycling, for use as solid waste landfill cover materials or for use as extenders for currently used cover material.

Existing law, by regulation, authorizes auto shredder waste that is treated as required by regulation to be used as alternative daily cover if specified requirements are met.

This bill would require the Secretary for Environmental Protection, on or before February 1, 2010, *subject to the availability of funding*, to establish an auto shredder residue working group, comprised of

representatives of the board, the department, the State Air Resources Board, the State Water Resources Control Board, members of the auto shredder industry, landfill operators, and other interested stakeholders. The bill would require the working group to review and evaluate the existing practice of using treated auto shredder residue as alternative daily cover, determine the effects of the department's proposed revocation of the current regulatory classification of treated auto shredder residue and resulting prohibitions on its use as alternative daily cover, determine whether the current regulatory classification of treated auto shredder residue poses a threat to human health and the environment, identify the constituents in auto shredder residue that could pose health and safety or environmental problems when used as alternative daily cover in accordance with applicable regulations, recommend approaches to work with the auto industry to manufacture vehicles that produce less hazardous waste at end-of-life, and recommend changes to statute, regulation, or agency practice, if any, based on the working group's analysis.

The bill would require the secretary, on or before December 31, 2010, to report to the Legislature on the findings of the working group, and would prohibit the department from altering the current regulatory status of auto shredder residue without first considering the factors the working group is required to consider. ~~The bill would require a decision by the department to change the regulatory status of auto shredder residue to be implemented in accordance with the rulemaking provisions of the Administrative Procedure Act.~~

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. The Legislature finds and declares all of the
- 2 following:
- 3 (a) State and federal law require operators of solid waste landfills
- 4 to cover disposed solid waste with six inches of earthen material
- 5 at the end of each operating day to control disease vectors, fires,
- 6 odors, blowing litter, and scavenging. Certain alternative materials
- 7 are allowed to be used to meet this daily cover requirement.
- 8 (b) The California Integrated Waste Management Board has
- 9 adopted regulations allowing treated auto shredder residue to be
- 10 used as alternative cover material. Auto shredder residue is the

1 nonmetallic residue that remains after the removal of recyclable
2 ferrous and nonferrous metals from shredder feedstock. The
3 primary sources of these recyclable metals include end-of-life
4 vehicles and common household appliances.

5 (c) Treated auto shredder residue has been used as alternative
6 daily cover at California's solid waste landfills since the late 1980s.
7 In 2008, over 500,000 tons of treated auto shredder residue were
8 used as alternative daily cover at California solid waste landfills.
9 Studies have been conducted that demonstrate the benefits of using
10 treated auto shredder residue as alternative daily cover.

11 (d) The Department of Toxic Substances Control has announced
12 its intention to alter the current regulatory status of treated auto
13 shredder residue. If this action were taken, it could, among other
14 things, result in higher landfill costs, increased use of green waste
15 as alternative daily cover, significant increases in vehicle miles
16 traveled and greenhouse gas emissions, and severe disruption of
17 the metal recycling industry in California.

18 (e) It is in the best interest of the people of the State of California
19 to identify in advance the environmental and economic effects of
20 the Department of Toxic Substances Control's proposed alteration
21 of the regulatory status quo relating to treated auto shredder
22 residue, including, but not limited to, the consequences if the
23 residue no longer could be used as alternative daily cover.

24 SEC. 2. Section 42173 is added to the Public Resources Code,
25 to read:

26 42173. (a) On or before February 1, 2010, *subject to the*
27 *availability of funding pursuant to subdivision (e)*, the Secretary
28 for Environmental Protection shall establish an auto shredder
29 residue working group, comprised of representatives of the board,
30 the Department of Toxic Substances Control, the State Air
31 Resources Board, the State Water Resources Control Board,
32 members of the auto shredder industry, landfill operators, and other
33 interested stakeholders.

34 (b) The auto shredder residue working group shall do all of the
35 following:

36 (1) Review and evaluate the existing practice of using treated
37 auto shredder residue as alternative daily cover.

38 (2) Determine the effects of the Department of Toxic Substances
39 Control's proposed revocation of the current regulatory
40 classification of treated auto shredder residue and resulting

1 prohibitions on its use as alternative daily cover, including the
2 potential effects of those prohibitions or curtailments on recycling.

3 (3) Determine whether the current regulatory classification of
4 treated auto shredder residue poses a threat to human health or the
5 environment.

6 (4) Identify the constituents in auto shredder residue that could
7 pose health and safety or environmental problems when used as
8 alternative daily cover in accordance with applicable regulations.

9 (5) Recommend approaches to work with the auto industry to
10 manufacture vehicles that produce less hazardous waste at
11 end-of-life.

12 (6) Recommend changes to statute, regulation, or agency
13 practice, if any, based on the results of the working group's
14 analysis.

15 (c) On or before December 1, 2010, the Secretary for
16 Environmental Protection shall report to the Legislature on the
17 findings and recommendations of the auto shredder residue working
18 group.

19 (d) Notwithstanding any other provision of law, the Department
20 of Toxic Substances Control shall not alter the current regulatory
21 status of auto shredder residue without first considering the factors
22 in subdivision (b). ~~A decision by the Department of Toxic~~
23 ~~Substances Control to change the regulatory status of auto shredder~~
24 ~~residue shall be implemented pursuant to Chapter 3.5 (commencing~~
25 ~~with Section 11340) of Part 1 of Division 3 of Title 2 of the~~
26 ~~Government Code.~~

27 (e) *Notwithstanding subdivisions (a) to (d), inclusive, the*
28 *Secretary for Environmental Protection shall not be required to*
29 *establish an auto shredder residue working group or submit a*
30 *report to the Legislature unless the board has entered into a written*
31 *agreement with one or more nongovernmental members of the*
32 *working group to reimburse the office of the Secretary for*
33 *Environmental Protection, the board, the Department of Toxic*
34 *Substances Control, the State Air Resources Board, and the State*
35 *Water Resources Control Board for their costs in complying with*
36 *this section.*